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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES  
LITIGATION

Case No. 3:18-cv-04865-EMC

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
JUDGMENT AS MATTER OF LAW  
OR IN THE ALTERNATIVE FOR A  
NEW TRIAL**

**Hon. Edward M. Chen**

This matter comes before the Court on Plaintiff's Motion for Judgment as Matter of Law and, in the alternative, Motion for New Trial. The Court has considered the Motion, any supporting material and argument of counsel. After considering the papers submitted by the parties and the argument of counsel, it is **HEREBY ORDERED** that Plaintiff's motion is **GRANTED** and **ORDERS** that pursuant to Fed. R. Civ. P. 50 and 59, Defendants have "been fully heard" and there is "no legally sufficient evidentiary basis for a reasonable jury to find for" Defendants. FED. R. CIV. P. 50. Accordingly, the jury's verdict is set aside. Judgment as a matter of law is hereby entered in favor of Plaintiff on the issues of materiality and reliance and a trial to determine the remaining issues will be held forthwith.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Edward M. Chen  
United States District Judge